

1 ground. You'd put it in one of three things, and he
2 listed three things.

3 Now you tell me you might build fiber and
4 leave it out there open and unused until you could
5 pull it into the building.

6 A. Well, the --

7 Q. No, in your example where does that fiber
8 end? What happens to it from the time you complete
9 your construction work until the building is ready for
10 the fiber to go into the building?

11 A. You know, I think it's just rolled up. I
12 think it depends on exactly what the construction
13 plans are at that particular site.

14 You know, either we're pulling it --

15 Q. Rolled up where? In something or just
16 out in the open or --

17 A. (Albert) It could either be on a pole or
18 in a manhole.

19 Q. All right.

20 If it's on a pole or in a manhole is it
21 dark fiber?

22 A. Not unless it's terminated, and it's
23 probably not terminated and it's not in our inventory.
24 The construction is not completed.

25 Q. All right.

1 Change the hypothetical a little bit.
2 You've got fiber running from office A to office B,
3 plenty of excess capacity available, and a number of
4 the strands are dark, and a new business goes up
5 halfway between A and B, and they want a fiber
6 connection to Verizon's network.

7 How would you provide that?

8 A. With loop fiber. When you're talking
9 about a fiber cable running from office A to office B,
10 that would be an interoffice facility cable.

11 We also have loop fiber cables which loop
12 cables go from our central offices out to customer
13 prems and out to end-user locations.

14 The fiber-optic cables that we have
15 between our CO's, our interoffice fiber-optic cables
16 are used to provide service between the CO.

17 So, the situation you were describing, we
18 would basically serve that with loop fiber cable.

19 Q. Okay. If you spliced into the
20 interoffice cable that was already there and pulled
21 out a couple of strands to serve this new building,
22 would that transform that fiber from interoffice fiber
23 to loop fiber?

24 A. I mean, we don't do what you described,
25 but I guess in theory it would. I mean, the

1 description of what you're calling a fiber is really a
2 function of if it's being used between two central
3 offices, which would make it an interoffice facility,
4 or if it's being used into an end-user location.

5 Q. There are no instances in your network
6 where you've done what I just described?

7 A. Not exactly as you described it.

8 We will have some instances where within
9 a cable sheath for some period of footage you may have
10 within that sheath both loop fibers, as well as IOF
11 fibers. But at a particular point out of the CO, or
12 out into the network, then usually that sheath then
13 will be spliced off into two other sheaths, one which
14 would then go off and deliver the loop fibers and the
15 other smaller sheath which would go out and deliver
16 the interoffice facility fibers.

17 So, you can find a few occasions, you
18 know, as we build our network where within the same
19 overall cable sheath at that particular location you
20 would happen to have fibers that were used both as
21 part of the loop fiber cable network as well as part
22 of the interoffice facility fiber cable network, but
23 the description that you said, which is would we hack
24 into an IOF cable and steel out a couple of fibers by
25 themselves, no, we would not do that.

1 HEARING EXAMINER: Could you hold on just
2 a moment?

3 (There was a pause in the proceedings.)

4 BY MR. KEFFER: (Continuing)

5 Q. I knew I was going to be punished for
6 being inartful in my question, so let's back up a few
7 questions.

8 When I said cut into the fiber and pull
9 out a few strands to extend to the customer, that was
10 lawyer-speak, but assume that sound engineering
11 practices were used and everything was cut and spliced
12 and engineered as you, yourself, would do it if you
13 had laid your hands on the fiber.

14 Now, in that circumstance -- is that what
15 you meant when you said that if that were to occur,
16 there could be both loop and interoffice fiber within
17 the same sheath?

18 A. Well, what I was saying is generally the
19 locations in our network, where you'll find within the
20 same sheath, both loop and interoffice fiber, you're
21 going to be pretty close to the central office where
22 you're now running into larger cables that have come
23 out of the central office, and you are either ahead of
24 or behind a divergent point where the IOF and the loop
25 cables would be split off into two different sheaths

1 and go off in different directions.

2 So, the combination of fibers you're
3 going to be closer to the CO in the larger sheath
4 sizes when the stuff has been put together.

5 Q. Something you said threw me. What
6 difference does distance from the CO make when we're
7 talking about --

8 A. Well, it's really just a function of how
9 we build our network, and the way we build our network
10 is we'll have fiber sheaths and ribbons within those
11 sheaths that are built and used and set up and
12 administered as interoffice facility fibers, and then
13 we'll have, really, a pretty much separate, unrelated
14 design going down the loop feeder routes for our
15 outside plant cables which eventually will be
16 terminated in the huts and the CEVs and the customer
17 premises.

18 As I was saying in particular closer to
19 the CO you can find locations where those sheaths will
20 run together and be combined into a single larger
21 cable.

22 Q. Those intermediate points that you're
23 talking about, those are not points, as I understand
24 your approach to dark fiber, where CLECs can access
25 dark fiber. Is that correct?

1 A. The points -- I'm not sure what you meant
2 by "those intermediate points," if you're talking
3 splice points, we -- we're pretty much running down
4 the FCC arbitration issues.

5 Q. How many do I have left?

6 A. I think you have about three left that
7 are in the FCC arbitration, but now if we're really
8 talking about access to splice points, what that issue
9 is we will interconnect to CLECs for providing dark
10 fiber at a termination point, at a point where the
11 lines from one carrier can meet the lines from the
12 other carrier and where you can test and where you can
13 troubleshoot and where you can have the distinction
14 and delineation of maintenance responsibilities.

15 So, that hard termination point is just
16 like a POP A within the central office or it's like a
17 NID on a customer prem. A hard termination is a place
18 that you can make repeated connections and
19 disconnections, as well as physically separate the
20 networks of two carriers to test between them for
21 troubleshooting.

22 And those hard terminations -- those are
23 what we will provide dark fiber interconnection at so
24 you can repeatedly connect and disconnect and so you
25 can test and troubleshoot.

1 Q. But at no point in between what you call
2 the hard termination?

3 A. Correct. If it's not a hard termination,
4 then you can't test, you can't have a delineation of
5 maintenance responsibilities, and you can't repeatedly
6 connect and disconnect on a service order basis
7 without damaging the plan.

8 MR. KEFFER: That's all for me.

9 HEARING EXAMINER: Thank you.

10 Ms. Wild?

11 MS. WILD: No questions of this panel.

12 HEARING EXAMINER: Mr. Hansel in.

13 MR. HANSEL: Yes.

14

15 EXAMINATION

16 BY MR. HANSEL:

17 Q. Would you offer other CLECs the same type
18 of special interoffice fiber-optic overview maps on an
19 as-needed basis as you have provided to Cavalier?

20 A. I would do the -- we would do the same
21 thing with any CLEC as we have with Cavalier. I'm
22 sure there's a defined standard of what that is.
23 We've done a number of exchanges of information,
24 including stick figures and listing of different
25 spans.

1 particular and definitional in what you're describing.
2 But, yeah, we are willing to work with CLECs for other
3 specific needs that go beyond what we currently offer,
4 which already meets the checklist. And if we're
5 negotiating an interconnection agreement, that's
6 certainly a place to work through that.

7 Q. You mentioned in your view, however, that
8 what you offered to Cavalier was beyond the scope of
9 that agreement, correct?

10 A. It is, yes.

11 MR. HANSEL: No further questions.

12 HEARING EXAMINER: Thank you.

13 Ms. McDermott?

14 MS. MCDERMOTT: No questions.

15 HEARING EXAMINER: Mr. Freedman?

16 MR. FREEDMAN: Yes, Your Honor. And I
17 just want to report on the record a conversation that
18 Ms. Pulley and I had off the record which modifies the
19 statement we made earlier.

20 She's agreed to permit me questions,
21 subject to we agreeing if she wishes to examine our
22 witness to make them available by phone, and she
23 hasn't made that determination yet.

24 She's also asked me to stipulate on the
25 record we would agree to the entry on to the record to

1 our interrogatory answers, which we so stipulate now,
2 and I just wanted to make that clarification on the
3 record.

4 MS. PULLEY: Thank you.

6 EXAMINATION

7 BY MR. FREEDMAN:

8 Q. With respect to the testimony of dark
9 fiber -- and I think this would go to Ms. Shockett or
10 possibly to Mr. Albert -- you described a situation in
11 response to Mr. Keffer's questions where there might
12 be unterminated dark fiber, that it might be just
13 rolled up or left someplace without being terminated,
14 correct?

15 A. (Shockett) Yes.

16 Q. Okay. And I take it there would come a
17 point in time -- or might there come a point in time
18 when Verizon, for its own purposes, would decide it
19 wants to use that dark fiber and terminate it for some
20 reason, correct?

21 A. Yes. That dark fiber that is
22 unterminated is unterminated during the construction
23 process only, and it's fiber that's not available to
24 anybody because it hasn't been -- construction hasn't
25 been fully completed.

1 So, during the construction process,
2 depending on what the plan is, if it's going to go
3 into a CEV or a hut or into a customer premises, you
4 know, there may be a lag from the time it's put into
5 the street to the time it's terminated in one of those
6 three types of arrangements.

7 A. (Albert) And really, just to make sure
8 we're precise, definitionally what we're describing
9 and what you're talking about with unterminated fiber,
10 that's fiber-optic cable. We have to add additional
11 fiber-optic cable to take it to someplace where it can
12 be terminated and it can be used.

13 So, it's not like you have what we're
14 calling unterminated fiber and you wave a magic wand
15 over it and the next day it's terminated. What we're
16 talking about is fiber that has been partially built
17 part of the way from the central office to the
18 customer prem, and in order to use it we've got to
19 place additional fiber-optic cable and connect it up
20 to it so that we can then complete terminating it
21 either at a customer prem or at a vault or at a hut,
22 so then in turn it can be accessed and used by
23 ourselves as well as CLECs.

24 Q. And, Mr. Albert, it's your testimony that
25 in each and every case where you described

1 unterminated dark fibers requires all of those
2 functions to terminate. Is that your testimony?

3 A. All of what functions?

4 Q. The ones you just spent a few minutes
5 describing.

6 A. The fact that we'd have to build more
7 stuff to --

8 Q. Correct.

9 A. Yes.

10 Q. In each and every case?

11 A. Of what I'm calling unterminated fiber.

12 Q. The definition in your mind? Is that it?

13 A. Yes. And that's because when -- I've
14 seen it a number of times when people broadly just use
15 the term "unterminated fiber," there are five, at
16 least, very physically different things that they can
17 be using that term to apply to. And it's important if
18 you're going to have a discussion and ask questions
19 about unterminated fiber that you very concretely
20 describe particular conditions of -- that you're
21 applying that term to.

22 Q. How long in the typical case does it
23 take, how many manhours, to complete the termination
24 of dark fiber?

25 A. There is no typical. I mean, we could

1 have 20,000 feet more fiber cable that we'd have to
2 add to an existing fiber cable to complete it out to a
3 customer prem to terminate it and use it. So, it will
4 be variations that run the spectrum from maybe a few
5 thousand feet of additional fiber cable that you have
6 to place and splice to terminate, anywhere up to a
7 number of miles.

8 Q. And isn't it true that there are cases,
9 in fact, where it only takes a very short amount of
10 time to terminate unterminated dark fiber, in fact
11 just a couple of hours?

12 A. The only ones of those that I've heard
13 have been hypothetical, fictitious examples that
14 CLECs, have come up with in arbitrations that do not
15 exist in Verizon's network.

16 I've heard of a description where a CLEC
17 lawyer has said, well, hypothetically, what if you
18 build that fiber cable of yours, Verizon, all the way
19 into a customer prem, and what if you do all of the
20 work that you normally do except to hide it from
21 CLECs, you don't do that very last little step? I've
22 heard that example, and I've heard that described as
23 unterminated fiber. My answer to that is, we don't
24 have that in our network, and we don't do that.

25 I mean, that extreme hypothetical and

1 that last little two-hour step, and that's all that's
2 needed to be done to turn unterminated fiber into
3 terminated fiber -- that is a complete concoction, and
4 it doesn't exist in Virginia.

5 Q. Your example is hypothetical, too,
6 though, isn't it?

7 A. Based on reality. Based on what exists
8 --

9 Q. Okay. Have you submitted for the record
10 in this proceeding evidence of where it takes much
11 longer than two hours to terminate unterminated dark
12 fiber?

13 Is there one example in the record of
14 this proceeding of where it takes longer than two
15 hours to terminate unterminated dark fiber?

16 A. You mean do -- have we had an
17 interrogatory question on that, or...

18 MR. FREEDMAN: The court reporter can
19 repeat the question.

20 (The record was read by the Reporter.)

21 A. (Albert) I mean, yes, but do you want to
22 give an example?

23 (Shockett) I don't think there's
24 anything specific on the record that tells how long it
25 takes to terminate a fiber span. It's neither a

1 two-hour interval or, you know, a three-month
2 interval. There's nothing describing specifically how
3 long it takes to do a dark fiber span.

4 BY MR. FREEDMAN:

5 Q. Thank you. And getting back to my
6 original question, in that fact pattern where it's
7 just rolled up or left sitting near the customer
8 premises, I assume that there may come a time for
9 Verizon's own internal uses where it wishes, because
10 there's a customer for some other reason, to terminate
11 or complete that connection, correct?

12 A. Well, it's my understanding that it's
13 left that way only during the construction process, so
14 you've got a disconnect between the time the final
15 termination location is available and the time you've
16 actually pulled the fiber out to somewhere near that
17 location.

18 So, you've got fiber out there that has
19 an ultimate termination point, and you're waiting for
20 the make-ready work to be completed at that
21 termination point, be it a hut or a CEV or a customer
22 premises, and you may also need, as Don said,
23 additional fibers to be pulled out from the final
24 termination point to be connected to this, for want of
25 a better word, unterminated fiber that's sitting there

1 in the construction process.

2 Q. So, with respect to that unterminated
3 dark fiber, when Verizon is ready to hook it up or
4 terminate it, how does Verizon know it's there?

5 A. It's part of a work project that is in
6 process. There's a work process to lay dark fiber,
7 and there are various steps along the way to lay the
8 fiber to connect it at both ends, and that work
9 process is completed when it is -- the fiber is
10 terminated at both ends.

11 A. (Albert) I mean, Verizon has network
12 engineers, of which I am one, who are responsible for
13 building new and additional facilities, and our
14 network engineers, when they are in the process of
15 building facilities, and when they have partially
16 constructed facilities, as you're describing, the
17 network engineer knows which facilities that they have
18 built that are complete and usable and finished. And
19 the network engineer knows which sections of fiber
20 cable are partially built and need to have additional
21 fiber cable added to them to use them.

22 I think this whole conversation about
23 terminated and unterminated fiber -- I think what's
24 important is we do have an interconnection agreement
25 with OpenBand in Virginia with terms and conditions

1 for dark fiber. You know, OpenBand has not ordered
2 dark fiber at all from us --

3 MR. FREEDMAN: Excuse me. With all due
4 respect, Mr. Skirpan, there's no question pending that
5 leads to this testimony. If he's done answering the
6 question, I'm happy to ask the next one.

7 MR. SMITH: He asked him a question, and
8 he was explaining. I think he's just about done with
9 the explanation, but if he isn't, why don't you let
10 him finish.

11 MR. ALBERT: That's why I was going to
12 say there's nothing in our interconnection agreement,
13 this term "unterminated fiber." And you still have
14 not ordered any fiber from us in Virginia.

15 BY MR. FREEDMAN: (Continuing)

16 Q. Are you done with your answer?

17 A. Yeah.

18 Q. So, when Verizon wants to complete that
19 unterminated dark fiber, all it would have to do would
20 be to go to that network engineer that you describe in
21 your answer, Mr. Albert. Is that correct? If it
22 wants to know that that dark fiber is there ready to
23 terminate, correct?

24 A. No, I would not describe fiber at all in
25 the condition that you are. It's not like we have

1 unterminated fiber that you can magically wave a wand
2 and within a matter of a few days or so the engineer
3 can transform it into --

4 Q. Let me say I'm asking about what Ms.
5 Shockett had described in answer to a question, so
6 assume what she described does, in fact, exist. My
7 question relates to that.

8 A. (Shockett) Could -- I guess I am unclear
9 how it differs with what Mr. Albert is explaining.

10 Q. I guess my question is how do you know
11 it's there?

12 A. (Albert) The engineer who is responsible
13 for building those facilities is the one that knows
14 what's there that's not yet totally built, because
15 he's the person that has to eventually make it totally
16 built.

17 Q. And does he memorialize that information
18 anywhere? Does he write it down -- or she?

19 A. When it is completed it is written down,
20 and the fiber is then inventoried in our systems.

21 Q. When you say "it's completed," you mean
22 when it's terminated?

23 A. Yes, when the fiber is terminated at both
24 ends and all the fiber is laid and the engineer says
25 that this work is completed, it's part of the

1 completion process, the fiber that is now terminated
2 at both ends gets inventoried in the Verizon systems.

3 Q. Okay. But before that point in your
4 example, Ms. Shockett, when it's just there, rolled up
5 or otherwise incomplete, is it your testimony that
6 there's no place in the Verizon system where there's a
7 written record of the existence of that fiber or
8 cable?

9 A. (Albert) It's not in any of our
10 operating or support systems.

11 The one place where the very most
12 detailed records and drawings exist are called the
13 cable plats, which our engineers use, and our
14 engineers are responsible that as new cables are
15 placed and as additional splices are made and as
16 additional terminations go into new locations these
17 very, very detailed cable plats are what the outside
18 plant engineer updates for his records that show where
19 the equipment is located and where the cables are
20 located.

21 Q. Would that cable and that fact pattern,
22 Ms. Shockett, that you described to Mr. Keffer
23 earlier -- would that be in the plant location
24 records, otherwise known as PLRs?

25 A. I don't know.

1 Q. Would it be -- does anybody on the panel
2 know the answer to that?

3 A. (Albert) I'm not familiar with the term
4 you're using. If you're describing --

5 Q. Plat locator records you're not familiar
6 with?

7 A. If you're talking about our cable plats,
8 which are our very most detailed engineering drawings,
9 that is the one place where a partially constructed
10 fiber-optic cable will be listed on our construction
11 records.

12 Q. Ask anybody on the panel familiar with
13 the term detailed continuing property record or DCPR?

14 A. (Shockett) I am not.

15 (Albert) Yes.

16 Q. What's your understanding of that term?

17 A. My general understanding of it -- and
18 it's, I think, really more accounting and financial --
19 is that is an early methodology or system that is used
20 to keep track of telephone network investment. It's a
21 record of dollars that have been spent by a particular
22 class of plant.

23 So, if you want dollars of a particular
24 location for digital switching or if you wanted
25 dollars of a particular location for fiber-optic

1 electronics, the overall accounting scheme which by
2 different accounts and different locations keeps track
3 of investments as continuing property records.

4 Q. And wouldn't the existence of the cable,
5 again described in Ms. Shockett's answers to Mr.
6 Keffer's questions, be disclosed in that detailed
7 continuing property record?

8 A. They detail dollars. The DCPR records
9 are dollars. So, the locations of cables, manholes,
10 poles, customer prems, none of that shows up within a
11 DCPR.

12 Q. And I take it there's no correlation of
13 those dollars to your physical facilities. Is that
14 your testimony?

15 A. Not at the level of detail that you use
16 to engineer and to build outside plant cables.

17 The investment does get to a location
18 level of detail where we then identify the building or
19 the central office. You know, there will be a
20 particular DCPR dollar amount for the Midlothian
21 central office, there will be another dollar amount
22 for Grace Street or for Stewart Road, so it does
23 identify big amounts for big locations, but it does
24 not identify the manhole that this particular cable
25 stops at that, you know, that it is 5,000 feet from

1 any other building.

2 Q. And other than what I've just asked you
3 about, the PLRs and the DCPRs and what you've
4 described which you call the cable plats, is there any
5 other place in Verizon's records that would disclose
6 the existence of that cable or unterminated fiber that
7 Ms. Shockett described in response to Mr. Keffer's
8 question?

9 A. No, and there is only one location that I
10 know of, and that is the cable plats, being where
11 you'll find information about cables that are partly
12 constructed and that are waiting further placements
13 and further splicing and further work. That's the
14 only record location that you can find for fiber-optic
15 cables that are partially built and that we still have
16 to do things to complete them.

17 Q. And you mentioned, I think, in response
18 to an earlier question, Mr. Albert, some of the
19 accounts.

20 Are you familiar with the system of
21 accounts in the DCPR?

22 A. Generally.

23 Q. Are you familiar with -- is it correct
24 that there's an account on the one hand for plant in
25 construction and that's 100.2? Am I correct on that?

1 A. I'm not that familiar with them. There
2 are different accounts and different classifications,
3 and there's a whole accounting scheme that goes with
4 it, but the particulars of those -- no, I'm not
5 familiar with the exact particulars.

6 Q. Ms. Shockett, are you familiar with
7 those?

8 A. (Shockett) No, I'm not.

9 HEARING EXAMINER: We're going to go
10 ahead and take a 15-minute break.

11 (A recess was taken.)

12 THE BAILIFF: All rise.

13 The Commission resumes the session. Be
14 seated, please.

15 HEARING EXAMINER: Mr. Freedman, you may
16 continue.

17 BY MR. FREEDMAN: (Continuing)

18 Q. Mr. Albert, I think you described earlier
19 that one of the places and perhaps the place where the
20 kind of unterminated dark fiber that Ms. Shockett
21 described in response to Mr. Keffer's question --
22 where that would appear in Verizon's records would be
23 in something called the cable plats.

24 A. That's correct.

25 Q. Okay. Do you make those cable plats

1 available for review by CLECs inquiring about dark
2 fiber?

3 A. No, and there are several reasons why we
4 don't.

5 And, again, the basic types of
6 information we make available in Virginia are the same
7 as we make available in Pennsylvania, and were
8 sufficient for checklist compliance.

9 But the cable plats have a lot of
10 sensitive proprietary information on them. They have
11 the names of customers, they have the names of other
12 carriers. They are extremely detailed engineering
13 drawings of our plant and facilities from an aspect of
14 network security, particularly in these days and ages
15 of terrorism and other unknown events. Making
16 available carte blanche to the world these very
17 detailed engineering records that have proprietary
18 customer information on them as well as very sensitive
19 network security information -- we do not make those
20 available outside of Verizon.

21 Q. Why couldn't they be made available to
22 competitors under a strict confidentiality agreement
23 to protect against the issues you just described?

24 A. Well, there are -- I can just give you
25 the main reasons that I can give you, which are the

1 ones I just said. .

2 You know, in terms of confidential
3 end-user information, as well as network security,
4 they're something that we don't make available outside
5 the company, nor are we required to.

6 Q. And you have, in essence, two telephone
7 companies, the competitive phone company and Verizon,
8 both seeking access to that information, correct?

9 A. No, because I don't -- besides our own
10 outside plant engineers, who are responsible for the
11 construction of the facilities, and who keep the
12 records on the actual construction as it's
13 progressing. And that's the type of fiber we're
14 really talking about here, it's a continuous
15 construction project. And as we add further legs and
16 further pieces of cable, and, you know, going towards
17 their end destination, the records update that on the
18 cable plats. Really, the engineers are the only
19 people that need or use those records within Verizon.

20 So -- and they're not hanging on the wall
21 for anybody and everybody to come in and rummage
22 through, it's used by the construction records -- the
23 cable plats are used by the engineers who are
24 responsible for building the facilities, and them
25 only.

1 Q. Well, do you believe that the obligations
2 imposed on a competitive telephone company or its
3 employees to maintain the confidentiality of
4 information or to abide by agreements that it executes
5 to maintain the confidentiality of information are any
6 less than the requirements imposed on Verizon to
7 protect that information?

8 A. I mean, I really don't know. When you
9 start talking about confidentiality and all that, I
10 mean, you're starting to get off into an awful lot of
11 legalistic aspects, so I don't think I can really
12 answer what you're asking.

13 Q. Okay. And shifting gears a little bit,
14 if Verizon were -- if Verizon were paid -- well, take
15 this fact pattern:

16 We have a situation like Ms. Shockett
17 described where it wasn't terminated, almost
18 completed, wasn't there, and a competitor wanted
19 Verizon -- and there was some effort involved to
20 terminate it, whatever it is, two hours, two months,
21 whatever it is.

22 If Verizon were paid all of its
23 reasonable costs or whatever the standard would be,
24 whether it be TELRIC or otherwise under the Act, to
25 complete those tasks, then is there any way Verizon is